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A Washington-Moscow Entente?

The biggest untold news in Washington today is an unacknowledged but growing entente between the U.S.A. and the U.S.S.R. The Eisenhower Administration is afraid to admit any such development lest it endanger the foreign aid program and intensify the bitterness of the military bureaucracy and the anxieties of the aviation industry. But in London and Paris such an entente is already, perhaps prematurely, being taken for granted. The lifting of trade bars between Communist China and Singapore reflects London's belief that after the elections further relaxation of tension between East and West is to be expected.

In this perspective, the Tito visit to Moscow is to be appraised as another demonstration by the U.S.S.R. that the East European satellite States are to be encouraged to develop internally and externally *on their own,* though within the limits of socialist society and a friendly alliance with the Soviet Union. Moscow is wooing Washington by moving toward "liberation" of its own accord. It is foolish to speculate that Tito may be preparing to join up again with the Soviet bloc. On the contrary, in some ways the Soviet bloc is joining up with Tito. Moscow wants Tito to remain independent (1) as an earnest to Washington of the new Soviet co-existence line and (2) as an object lesson to the other East European States. Moscow is out to "unfreeze" Eastern Europe as part of a settlement with Washington.

Tito As Middle-Man

Tito has been playing middle-man. He is given credit for "re-educating" John Foster Dulles in their talks last November at Brioni. The effects of that conversation and the outlines of a new Soviet-American understanding on Eastern Europe can be seen if one carefully examines the text of the Secretary's press conference of April 24. "Of course," Mr. Dulles said, "the most important characteristic of Titoism is the fact that it recognizes that Communism can be a national organization. . . . That was the view that Tito held, and he broke with Stalin on that issue. . . . If the Soviet Communists now say that it is all right to have Communism on a national basis, that offers a great prospect to the Poles, the Czechs and so forth, who would much rather have their own national brand of Communism than be run by Moscow." This implies that the U.S. is prepared to settle for Tito-style regimes in Eastern Europe.

Hostile gestures serve only to smoke-screen the trend toward a rapproachment between Washington and Moscow that is being carried on, as it were, in pantomine. The State Department continues to quack publicly that nothing has changed—but privately its top officials are impressed by policy changes on the part of the Soviet. Eisenhower is eager to recognize these changes and to exploit them in the cause of peace. A vivid glimpse of attitudes in the Eisenhower camp was provided by an almost unnoticed portion of the exchange between Wiley and McCarthy on the Senate floor last week. Wiley said the election results would show that the people of Wisconsin were no longer isolationist. "Milwaukee," Wiley said, "is ringed about with Nike sites, five hours away from Siberia by fast plane. There are bombers in Siberia." He said the people "have seen the march of events and will support me." He said he would stand with the President on the real issue, "an issue on which the President has staked his entire record, an issue which will matter more in the eyes of history than any other issue, the matter of world peace." Wiley said a new war would cost the U.S. upwards of 25 million casualties and asked "Does the issue of preventing mass slaughter on continent after continent sound like just 'one more issue'?" This almost evangelistic recognition of a new war as unthinkable is important in Eisenhower policy as in Moscow's. This is the new and positive factor in world politics.

Still The Cult of Personality

The version of the Krushchev "secret" speech on Stalin, as translated out of the Serbo-Croatian by the State Department (not always intelligibly—since when, for example, has "collegiality" been an English word?), is intended to further the "thaw" in the cold war. The full text may be read in the *New York Times* of June 5 or in the *Congressional Record* dated June 4. It is as vivid as anything in Suetonius or Tacitus on the mad and bloody emperors between Augustus and the Antonines. (May we hope some day for a Soviet Marcus Aurelius?) It disposes forever of the "Dostoyevsky theory" of Soviet confessions—Krushchev says it was by torture and by the "taking away of his human dignity" that men were brought to confess crimes they never committed. This terrible story, with the cries of agony it records from the innocent, makes it easy to understand why the Soviet ruling group fear again to see "immense and limitless power in the hands of one person."

But it is disquieting to read the text and see how fully it embodies the very fallacy it purports to combat—the cult of personality. One would think from Krushchev's exposition that the dictatorship under Lenin was good because Lenin was a good man and that under Stalin was bad because Stalin was a bad man. The purpose of the speech was to educate the masses, first of the party and then outside it, but the only point on which it really educates them is that Stalin was bad. Nothing is said of those devices which are utilized in Western society to guard against the appearance of monsters in the seats of power. Krushchev does not mention the Soviet Constitution, which Stalin made an empty farce; nor the need for law

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reform, nor of the role which a free press and free speech may play in checking abuses. The Soviet Union needs a Jefferson.

The Test of Krushchev

Perhaps it is too much to expect such "bourgeois" insights from Krushchev. But there *is* one aspect of this problem which he must understand. Stalin was able to make himself personal dictator because as general secretary of the Communist Party he controlled the party machinery—and that machinery is so set up that the secretariat can dominate the party, purging it of independent men and staffing its key posts with willing tools. It was not the "cult of personality" which created Stalinism; on the contrary it was the structure and habits of the party which made it possible for Stalin to create "the cult of personality." Krushchev now occupies the same position as party secretary from which Stalin began his rise to supreme power. Krushchev is as yet unwilling to discuss reform of the party machine to make it impossible again for the dictatorship of the proletariat to become the dictatorship of the man who happens to be general secretary of the Communist party.

For the cult of Stalin, Krushchev substitutes the cult of Lenin and of the Central Committee and of "Marxism-Leninism." Instead of a realistic grappling with the nature of governmental institutions one gets a superstitious reverence for the First Embalmed One in the Kremlin, and an equally superstitious faith in this new theology called "Marxism-Leninism." Not experience but holy text is the test.

Moscow, Too, Has A "Djilas Affair"

All parties, East or West, develop bureaucracies; it is this which makes the one-party system so dangerous. It confers a monopoly and gives the discontented no alternative against the party boss. This is especially so in a Communist country where party dogma is invested with quasi religious awe. But this is where Tito and Krushchev agree. On May 28, the Moscow correspondent of *Paris-Normandie* reported a "Djilas affair" in the Soviet Union—a new secret speech by Krushchev in which he rebuked four members of the Soviet Academy of Sciences for proposing an end of the one-party system. These savants, according to this report, "advanced the idea that the only sure way to check the danger of a new Stalinist dictatorship was to authorize the creation of an independent party" which could "counter balance the unique and still too dictatorial authority concentrated in the hands of the Politbureau." The four scientists were expelled from the party and deprived of their offices.

This is exactly what happened to Djilas and Dedijer in Yugoslavia. In an interview with *Le Monde* (weekly airmail edition of May 3-9), Tito defended the one-party system and said he thought free discussion "perfectly possible" within it. But the experience of Djilas and Dedijer show this to be untrue. Both were expelled from the party, ostracized and deprived of livelihood for daring openly to discuss the problem. What Djilas wrote in *Borba* in January, 1953, the articles which ruined his political career, now read very prophetically in the light of events and apply as fully to Russia as to Yugoslavia. Djilas said that Stalinism had been broken but not annihilated and lived on "as 'Marxism' and 'Leninism,' etc., as a total of inherited and patented rules" and that it was "possible only in a free ideological struggle" to determine whether they "have become obsolete or not." But in either country it is a dangerous heresy to question these "inherited and patented rules"; only the men at the top are allowed to change party dogma. This fundamental problem is not met by attacks on the cult of personality. Stalin, too, attacked the cult of personality and he started out with a good deal less fanfare and more modesty than either Tito or Krushchev.

What Neither Tito Nor Krushchev Will Admit

"Freedom for supporters of the government only, for the members of one party only—no matter how big its membership may be—is no freedom at all. Freedom is always freedom for the man who thinks differently. This contention does not spring from a fanatical love of abstract 'justice,' but from the fact that everything which is enlightening, healthy and purifying in political freedom derives from its independent character, and from the fact that freedom loses all its virtue when it becomes a privilege. . . .

"The suppression of political life throughout the country must gradually cause the vitality of the Soviets themselves to decline. Without general elections, freedom of the press, freedom of assembly, and freedom of speech, life in every public institution slows down, becomes a caricature of itself, and bureaucracy rises as the only deciding factor. No one can escape the workings of this law. Public life gradually dies, and a few dozen party leaders with inexhaustible energy and limitless idealism direct and rule. . . . In the last resort cliquism develops a dictatorship, not the dictatorship of the proletariat [but] of a handful of politicians."

—Rosa Luxembourg, The Russian Revolution (written in the autumn of 1918, published posthumously 1922)

Where and How The Evil Began

"During the civil war there was at any rate some justification for the view that 'he who is not with us is against us.' In the heat of battle it was possible for the Communists to see in those socialists who were fighting against them enemies of the revolution, without seeming to do undue violence to truth. After 1921, the lumping together of Mensheviks, Workers' Opposition, serious theoretical critics, and malcontents inside the communist party as counter-revolutionaries was a falsification, and everyone knew it.

"The acceptance of this official lie by almost the entire leadership of the communist party inevitably led to the result that whoever among them was strong enough to exploit it in his own interest had the rest of them at his mercy. What is the difference between the attempt by Lenin to expel Shlyapnikov in 1921, and the expulsion of Trotsky six years later, if both can be justified by the same argument—that the stability of the dictatorship is the supreme law?

"But this, in turn, leads to the second main consequence of Lenin's policy. For, who has the power to decide by what faction the stability of the regime is to be best served? Clearly, he who manipulates the apparatus of the party, and can thereby ensure both the necessary majorities at the centre and implicit obedience to central orders throughout the country. The malignant figure of the General Secretary, Stalin, has become only too familiar in its portrayal by disappointed oppositionists, defeated by the apparatus which he controlled. But it was Lenin, with their support, who equipped him with the weapons, and started him upon his path."

—The Origin of the Communist Autocracy, by Leonard Schapiro, London School of Economics, 1955.

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The Full Text of The Historic Douglas, Warren, Black Dissent in The Cutter Case

Can Communists Be Discharged From Private Jobs on Political Grounds?

MR. JUSTICE DOUGLAS, with whom THE CHIEF JUSTICE and MR. JUSTICE BLACK concur, dissenting.

I believe, with all deference, that the decision of the Court abuses the rule that we will not undertake to review a decision of a state court that rests on an independent state ground. No independent state ground is present in this case. Rather, it is easily demonstrated, I think, that the decision of the Supreme Court of California squarely raises an important question under the First and Fourteenth Amendments.

At times we have ambiguous opinions that make us unsure of the precise grounds of the decision of the state court. In this case, however, we are left in no doubt. The arbitrators found that the employer discharged this worker because of her labor union activities, using the charge of Communism as a mere pretext. The Supreme Court of California went on no such ground. It is clear from a reading of its opinion (43 Cal. 2d 788), that it approved the employer's discharge of this worker because she was a Communist. The tactics of Communists and the dangers of Communism make up a total of 11 pages of the 21-page majority opinion of the Supreme Court. Among other things, the California Court said,

"From the array of congressional and legislative findings which have been quoted above, if not from the common knowledge of mankind, it must be accepted as conclusively established that a member of the Communist Party cannot be loyal to his private employer as against any directive of his Communist masters." *Id.*, at 806. It went on to hold that "acts of sabotage by Communists are reasonably to be expected at any time such acts may be directed by the party leader" (*id.*, at 807) and that an employer has the "right to discharge employees who upon the established facts are dedicated to be disloyal to him, to be likewise disloyal to the American labor union they may purport to serve, and who constitute a continuing risk to both the employing company and the public depending upon the company's products."

A Stale Grievance

The arbitrators found that any grievance against Doris Walker was a stale one, the employer having known all her Communist activities for two years. The Superior Court upheld that finding. The District Court of Appeal ruled that the employer "sat back for two and a half years" and then used her Communist activities as an excuse for injuring the union in its lawful labor activity. 266 P. 2d 92, 100. But the Supreme Court held that she was discharged not for her "labor union activities" but for her "Communist Party activities." 43 Cal. 2d, at 808. It said that the fact that the employer, knowing all the facts, did nothing for two years was irrelevant, since it was against the "public policy" of California to conclude that there was a waiver by the failure to discharge a Communist. *Id.*, at 806. It is plain, therefore, that the Supreme Court of California sustains a discharge of this worker because she was a Communist.

The Court says that the parties to a collective-bargaining agreement may make Communist Party membership "just cause" for discharge of an employee, that discharge for that reason is merely a matter of contract between the union on the one hand and the employer on the other, and that when the contract is enforced no federal right is infringed. I disagree with that doctrine. It is a dangerous innovation to meet the exigencies of the present case. It violates First Amendment guarantees of citizens who are workers in our industrial plants.

I can better illustrate my difficulty by a hypothetical case. A union enters into a collective-bargaining agreement with an employer that allows any employee who is a Republican to be discharged for "just cause." Employers can, of course, hire whom they choose, arranging for an all-Democratic labor force if they desire. But the courts may not be implicated in such a discriminatory scheme. Once the courts put their imprimatur on such a contract, government, speaking through the judicial branch, acts. *Shelley* v. *Kraemer*, 334 U. S. 1; *Barrows* v. *Jackson*, 346 U. S. 249. And it is governmental action that the Constitution controls. Certainly neither a State nor the Federal Government could adopt a political test for workers in defense plants or other factories. It is elementary that freedom of political thought is protected by the Fourteenth Amendment against interference by the States and against federal regimentation by the First Amendment.

The Bill of Rights and The Right to Work

Government may not favor one political group over another. Government may not disqualify one political group from employment. And if the courts lend their support to any such discriminatory program, *Shelley* v. *Kraemer, supra*, teaches that the Government has thrown its weight behind an unconstitutional scheme to discriminate against citizens by reason of their political ideology. That cannot be done in America, unless we forsake our Bill of Rights.

It has hitherto been assumed that Communists, unless they violate laws, are entitled to the same civil rights as other citizens. In 1937, Chief Justice Hughes wrote to that effect for a unanimous Court in *DeJonge* v. *Oregon, supra*. That decision held that a State could not punish Communists for having a public meeting to discuss a matter of public concern. Chief Justice Hughes said that First Amendment rights might be abused "to incite to violence and crime." *Id.*, at 364. But he went on to say, "The people through their legislatures may protect themselves against that abuse. But the legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves must not be curtailed. The greater the importance of safeguarding the community from incitements to the overthrow of our institutions by force and violence, the more imperative is the need to preserve inviolate the constitutional rights of free speech, free press and free assembly in order to maintain the opportunity for free political discussion, to the end that government may be responsive to the will of the people and that changes, if desired, may be obtained by peaceful means. Therein lies the security of the Republic, the very foundation of constitutional government." 299 U. S. 364-365.

Cutter Laboratories is an important pharmaceutical factory. It may need special protection. It may need to establish safeguards against sabotage and adulteration. It may need special screening of its employees. But there is not a word in the present record indicating it needs protection against Doris Walker. She has no criminal record. She is guilty of no adulteration, no act of sabotage. The factory in question has not been plagued with any such problem. It is only the fear that Doris Walker might at a future time engage in sabotage that is made the excuse for her discharge. I do not think we can hold consistently with our Bill of Rights that Communists can be proscribed from making a living on the assumption that wherever they work the incidence of sabotage rises or that the danger from Communist employees is too great for critical industry to bear.

The blunt truth is that Doris Walker is not discharged for misconduct but either because of her legitimate labor union activities or because of her political ideology or belief. Belief cannot be penalized consistently with the First Amendment. As Mr. Justice Roberts wrote for a unanimous Court in *Cantwell* v. *Connecticut*, 310 U. S. 296, 303-304, the First Amendment "embraces two concepts—freedom to believe and freedom to act. The first is absolute but, in the nature of things, the second cannot be. Conduct remains subject to regulation for the protection of society." The Court today allows belief, not conduct, to be regulated. We sanction a flagrant violation of the First Amendment when we allow California, acting through her highest court, to sustain Mrs. Walker's discharge because of her belief.

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A Visit to Washington May Be As Sobering As A Visit to Moscow

How Krushchev Could Adopt American "Democracy" and Remain A Dictator

A visit to Moscow makes one prize American tradition as never before. But the return to Washington, for an American indignant with the lack of freedom in Russia, is also an experience. To make the familiar rounds of the Congressional committees and the courts is to see with fresh eye how easily Krushchev could adopt democracy *as we now practice it*, and still remain a dictator.

It is not hard to imagine. Krushchev could start by proclaiming that henceforth every Russian, like every American, was to have freedom of speech, press and assembly. This proclamation would be suitable for oratory and engraving, like our Bill of Rights.

At the same time, Krushchev could adopt all those latter day American devices by which we make life difficult for those who try to take our Bill of Rights at face value. These all flow from that word "subversive"—a word I found as frequently used in Russia as in America. In both countries it means someone who questions things-as-they-are, in our case the profit system and in theirs the Communist dictatorship. There a "subversive" is vaguely "counter-revolutionary" as here he is vaguely "communistic."

We're More Advanced Technologically

Living in a technologically backward country, Comrade Krushchev may not realize just how easily theoretical freedom may be combined with a ruthlessly enforced conformity.

A "free" Russia, current American style, would not only have a Bill of Rights. It would also have an Un-Russian Activities Committee and an Internal Security Committee. With these Krushchev would have no difficulty in handling persons suspected of subversive, pro-capitalist and—most important of all—anti Krushchev sentiment.

It would no longer be necessary, uncouthly, to send them to labor camps in Siberia. The milder American system of internal exile, public disrepute and second class citizenship would be just as effective. By such means, anti-Krushchevites could be purged from government, driven out of the professions, denied the right to travel, ousted from employment in industry.

The dissenting opinion we publish this week on page three in the Cutter case reveals how easily such practices can be reconciled with a Bill of Rights. The majority of our Supreme Court, speaking through Mr. Justice Clark, did not go so far as to say that a person suspected of Communism could be barred from employment in private industry. But the same result was reached by deciding that a State Supreme Court, in upholding such a discharge as for "just cause," was only construing "a local contract under local law, and therefore no substantial federal question is presented." A Russia which produced a Vishinsky can certainly develop that kind of juristic genius, too.

How to Keep The Youth in Line

The advantage of adopting the American system would be that Krushchev could tell Russia's youth that they lived in the freeest country of the world—"look at our Bill of Rights"—while dramatizing for them the consequences of taking those rights too seriously. The carrot should, of course, be utilized as well as the stick; the best trained youth could be kept in line as here not only by fear of ostracism but by desire for fellowships and government jobs.

It is not necessary to have a one-party system. Indeed it would be well to allow an openly pro-capitalist party to exist, as we allow a Communist party to exist. It is amazing how useful such a party can be as scarecrow and excuse for repression. Its follies and abuses may be pumped up out of all proportion to reality, as Krushchev now says the secret police under Stalin exaggerated the "counter revolutionary" opposition in the 30's.

If Krushchev will only send a technical commission over to study our system, he will also find to his delight that fundamental rights can somehow be twisted to permit anonymous accusation. An atmosphere is developed in which people so believe in the diabolic prowess of Communists and/or counter-revolutionaries that they readily accept the idea that in such politically dangerous cases the secret police should not be "crippled" by being forced to disclose their evidence.

American Precedents for The NKVD

Russian courts are already less old-fashioned than ours about permitting secret evidence in the prosecution of political crimes. Krushchev would have American precedents for using faceless informers in Russian loyalty hearings, passport cases and similar procedures for reducing suspected opponents to second class citizenship.

Indeed bills by Congressman Walter and Senator Eastland to legalize anonymous accusation in passport and denaturalization hearings may pass this session of Congress. By such means the advantages of NKVD star chamber trials could be combined with the advantages of apparent legality.

We suggest that if Comrade Krushchev will only overcome his prejudices against democracy and look closely at how we actually practice it, he will be surprised to see how readily it could be adapted to his own peculiar needs.

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